

**SUMMARY:**

The student is a six year-old girl who is deaf and blind and therefore eligible for special education under the Individuals with Disabilities Act 20 U.S.C. Section 1401 *et seq.* The parent had requested a due process hearing on September 3, 1999 and a hearing was scheduled for September 24, 1999. On September 16, 1999 the hearing officer received a request for postponement of the hearing so that counsel may review the parent's file to see if they would represent the student. A prehearing conference was scheduled for October 13, 1999. The prehearing conference did not take place until October 14, 1999. The parent had an advocate listening in on the conference and a new hearing date was scheduled for November 23, 1999. A facsimile transmission was received on October 14, 1999, from the law firm the parent had consulted, stating that they would not be representing the student.

On November 17, 1999 the parent requested another postponement of the due process hearing stating that they were in the process of an evaluation and another law firm was reviewing the parent's file in order to decide if they would represent the student. A letter was received from the Board objecting to the request for a postponement and a copy of a prior hearing decision on this matter included. A letter granting the postponement was sent to the parent by Certified Mail #Z 106 804 546. The letter also stated that this would be the last postponement and the parent was given until December 13, 1999 to inform the hearing officer that an attorney was retained to represent the student or the hearing would be dismissed.

On December 13, 1999 a facsimile transmission was received from the parent stating the evaluations were still on going and the attorney who might represent them was still waiting for the results of the evaluations. It should be noted that Final Decision and Order #99-143 dated September 8, 1999, dismissed a prior hearing on this matter because parent had not obtained counsel after mediation and postponement of the due process hearing. This hearing officer takes Administrative Notice of Hearing Officer Final Decision and Order #99-143.

Therefore, since the parent is still attempting to obtain an attorney and evaluations are still ongoing, the hearing is dismissed.

**FINAL DECISION AND ORDER:**

THE DUE PROCESS HEARING IS **DISMISSED** WITHOUT PREJUDICE.